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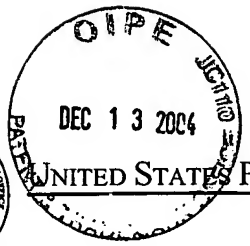

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,202	08/27/2003	Mark E. Schnute	01223.US1	5145

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AGOURON PHARMACEUTICALS, INC.
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EXAMINER	
HUANG, EVELYN MEI	

ART UNIT	PAPER NUMBER
1625	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on _____ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☐ C. Other _____

☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
- ☐ B. Other _____

☐ 3. Amendments to the drawings: _____

☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
- ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT,** applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE),** and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION,** this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection,** and is not affected by the non-compliant status of the amendment.

Doug Anthony — 571-272-0503

Legal Instruments Examiner (LIE) — Telephone No.

Non Compliant
- no complete listing
- no underlining or deletions to indicate changes

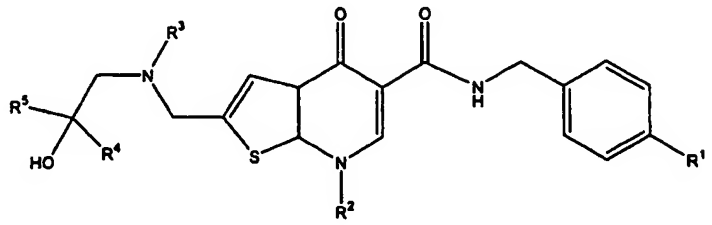
10/649202

Amendments to the Claims:

Please amend the claims as follows:

Please delete claims 35 and 36 without prejudice or disclaimer to any patentable subject matter contained therein.

1. (Amended) A compound of formula I



I

its enantiomers , diastereomeric or tauteromeric isomers, or a pharmaceutically acceptable salt wherein,

R^1 is

(a) Cl

(b) Br

(c) F, or

(d) CN;

R^2 is

(a) C_{1-4} alkyl optionally substituted by one or more OH or C_{1-4} alkoxy, or

(b) $(CH_2)_mOCH_3CH_2OH$;

R^3 is C_{1-2} alkyl;

R^4 is phenyl optionally fused to a benzene or pyridine ring, and substituted with one or more R^6;

R^5 is

(a) H, or

(b) C_{1-2} alkyl optionally substituted by OH;

R^6 is

(a) halo,

(b) OCF_3,

(c) cyano,

(d) nitro,

(e) $CONR^7R^8$,

(f) NR^7R^8,

(g) C_{1-7} alkyl which is optionally partially unsaturated and optionally substituted by one or more R^9,

(h) $O(CH_2CH_2O)_nR^{10}$,

(j) CO_2R^{10},

(k) phenyl optionally substituted by halo, C_{1-7} alkyl or C_{1-7} alkoxy,

(m) imidazolyl,

(n) $S(O)_mNR^7R^8$,

(o) $NHC(=O)R^{10}$, or

(p) any two adjacent R^6 substituents taken together constitute a group of the formula – $O(CH_2)_mO$-, -$(NH)(CO)(CH_2)_jO$-, or –$(CH_2)_i$-;

R^7 and R^8 are independently

(a) H,

(b) phenyl optionally substituted by halo, C_{1-7} alkyl or C_{1-7} alkoxy,

(c) C_{1-7} alkyl which is optionally substituted by one or more OR^{10}, phenyl, or halo substituents

(d) C_{3-8} cycloalkyl,

(e) $(C=O)R^{11}$,

(f) R^7 and R^8 together with the nitrogen to which they attach form a het, wherein het is a five- (5), or six- (6) membered heterocycle ring having one (1), two (2), or three (3) heteroatoms selected from the group consisting of oxygen, sulfur or nitrogen, wherein het is optionally substituted with C_{1-4} alkyl;

R^9 is

(a) oxo,

(b) phenyl optionally substituted by halo, C_{1-7} alkyl or C_{1-7} alkoxy,

(c) OR^{10},

(d) $O(CH_2CH_2)OR^{10}$,

(e) SR^{10},

(f) NR^7R^8,

(g) halo

(h) CO_2r^{10},

(i) $CONR^{10}R^{10}$, or

(j) C_{3-8} cycloalkyl optionally substituted by OR^{10};

R^{10} is

(a) H,

(b) C_{1-7} alkyl

(c) C_{3-8} cycloalkyl or

(d) phenyl optionally substituted by halo, C_{1-7} alkyl or C_{1-7} alkoxy

R^{11} is

(a) C_{1-7} alkyl

(b) C_{3-8} cycloalkyl, or

(c) Phenyl optionally substituted by halo, C_{1-7} alkyl or C_{1-7} alkoxy;

i is 3 or 4

j is 0 or 1
n is 1, 2, 3, 4, or 5 and
each m is independently 1 or 2.

34. (Amended) A method of treating atherosclerosis and restenosis, mediated by herpesviral infection, comprising administrating to a mammal in need thereof a therapeutic amount of a compound of claims 1 or 2.

37. (Amended) A compound of claim 1 which is

(3) N-(4-Chlorobenzyl)-7-(2,3-dihydroxypropyl)-2-((((2S)-2-hydroxy-2-phenylethyl)(methyl)amino)methyl)-4-oxo-4,7dihydrothieno[2,3-b]pyridine-5-carboxamide,

(4) N-(4-chlorobenzyl)-2-((((2S)-2-hydroxy-2-phenylethyl)(methyl)amino)methyl)-7-(3-hydroxypropyl)-4-oxo-4,7-dihydrothieno[2,3-b]pyridine-5-carboxamide,

(5) N-(4-Chlorobenzyl)-7-(2-hydroxyethyl)-2-((((2S)-2-hydroxy-2-phenylethyl)-(methyl)amino)methyl)-4-oxo-4,7-dihydrothieno[2,3-b]pyridine-5-carboxamide,

(6) N-(4-Chlorobenzyl)-2-((((2S)-2-hydroxy-2-(3-methoxyphenyl)ethyl)(methyl)-amino)methyl)-7-methyl-4-oxo-4,7-dihydrothieno[2,3-b]pyridine-5-carboxamide,

(8) N-(4-Chlorobenzyl)-2-((((2S)-2-hydroxy-2-phenylethyl)(methyl)amino)methyl)-4-oxo-7-propyl-4,7-dihydrothieno[2,3-b]pyridine-5-carboxamide,

(9) N-(4-Chlorobenzyl)-2-((((2S)-2-hydroxy-2-phenylethyl)(methyl)amino)methyl)-7-(2-methoxyethyl)-4-oxo-4,7-dihydrothieno[2,3-b]pyridine-5-carboxamide,

(10) N-(4-Chlorobenzyl)-2-((((2S)-2-hydroxy-2-(4-cyanophenyl)ethyl)(methyl)-amino)methyl)-7-methyl-4-oxo-4,7-dihydrothieno[2,3-b]pyridine-5-carboxamide,

(11) N-(4-Chlorobenzyl)-2-((((2S)-2-hydroxy-2-(3-cyanophenyl)ethyl)(methyl)-amino)methyl)-7-methyl-4-oxo-4,7-dihydrothieno[2,3-b]pyridine-5-carboxamide,

(12) N-(4-Chlorobenzyl)-2-((((2S)-2-(4-(dimethylamino)phenyl)-2-hydroxyethyl)-(methyl)amino)methyl)-7-methyl-4-oxo-4,7-dihydrothieno[2,3-b]pyridine-5-carboxamide,

(13) N-(4-Chlorobenzyl)-2-((((2S)-2-hydroxy-2-(4-(hydroxymethyl)phenyl)ethyl)-(methyl)amino)methyl)-7-methyl-4-oxo-4,7-dihydrothieno[2,3-b]pyridine-5-carboxamide,

(14) N-(4-Chlorobenzyl)-2-((((2S)-2-hydroxy-2-(4-nitrophenyl)ethyl)(methyl)-amino)methyl)-7-methyl-4-oxo-4,7-dihydrothieno[2,3-b]pyridine-5-carboxamide, or a pharmaceutically acceptable salt thereof.

Amendments to the Drawings:

none